

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CENTRALIA SCHOOL DISTRICT.

OAH Case No. 2015041103

ORDER GRANTING MOTION TO
DISMISS AS TO INDIVIDUALS AND
DENYING MOTION TO DISMISS AS
TO CENTRALIA SCHOOL DISTRICT

On April 20, 2015, Parent, on behalf of Student, filed a Request for Due Process Hearing with the Office of Administrative Hearings that named three employees of Centralia School District.¹ On April 30, 2015, District filed a Motion to Dismiss because Student had not named a public agency that OAH has jurisdiction over to resolve disputes regarding special education. OAH received no response to the Motion to Dismiss from Student.

APPLICABLE LAW

Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to “the public agency involved in any decisions regarding a pupil.” (Ed. Code, § 56501, subd. (a).) A “public agency” is defined as “a school district, county office of education, special education local plan area, . . . or any other public agency . . . providing special education or related services to individuals with exceptional needs.” (Ed. Code, §§ 56500 and 56028.5.)

DISCUSSION

OAH does not have jurisdiction to hear Student’s claims against the three named individuals in Student’s complaint. However, as to District, while Student did not list it on the form complaint as a named party, it was listed as the District of residence. District does not deny it received a copy of Student’s complaint and acknowledges receipt of the scheduling order. While Parent should have named District, not the three individuals, on the form complaint, Parent’s failure to do so is not fatal as District was named as the district of

¹ On April 28, 2015, OAH issued a scheduling order that set forth dates for mediation, prehearing conference and hearing, that was sent to District and listed District, not the individuals, as the parties to this matter.

residence, has a copy of the complaint, is aware of the allegations, and cognizant of the applicable dates in this matter. (See *Schaffer ex rel. Schaffer v. Weast* (2005) 546 U.S. 49, 54 [126 S.Ct. 528, 163 L.Ed.2d 387], minimal pleading requirement under the Individuals with Disabilities Education Act.) Therefore, Student's complaint is dismissed as to the three named individuals and shall proceed against District.

ORDER

1. The Motion to Dismiss is granted as to the three named employees of District is granted.

2. The Motion to Dismiss is denied as to District. The matter shall proceed as scheduled as to District.

DATE: May 19, 2015

/s/

PETER PAUL CASTILLO
Presiding Administrative Law Judge
Office of Administrative Hearings